



PATENT
ATTORNEY DOCKET NO.: UCSD1360-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Albani et al. Art Unit: 1644
Application No.: 10/001,938 Examiner: Ewoldt, G.R.
Filed: October 31, 2001
Title: IMMUNOMODULATORY PEPTIDES DERIVED FROM HEAT SHOCK PROTEINS AND USES THEREOF

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Requirement for Restriction mailed December 15, 2003, Applicant elects, with traverse, Group II consisting of Claims 1-12, 15, 19-24, and 28-56, drawn to method of modulating the immune response comprising tolerizing or inhibiting an inflammatory response in a patient, said method comprising administering a dnaJ HSP peptide, classified in Class 424, subclass 278.1.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on February 17, 2004, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Cara Griffone 2/17/04
Cara Griffone

In the Application of:

Albani et al.

Application No.: 10/001,938

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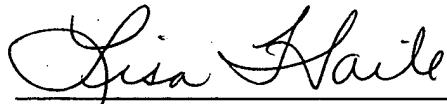
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The species of peptide set forth as SEQ ID NO:2 is elected with traverse and the disease elected with traverse is arthritis. Although the peptide set forth as SEQ ID NO:2 is elected in order to be fully responsive to the present Communication, the species election requirement is traversed because each of the peptides set forth in the claims shares a commonality of operation, function and effect with the other peptides (see MPEP 806.04(e)). More specifically, while the peptides have different sequences, they share a commonality of operation, function and effect in that each can induce tolerance. As such, it is respectfully requested that the species election requirement be withdrawn and, upon finding that claims directed to the use of SEQ ID NO:2 are allowable, the Examiner consider the additional peptides as set forth in the claims as filed.

A check in the amount of \$55.00 is enclosed as payment for the One Month Extension of Time fee. The Commissioner is hereby authorized to charge any other fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 50-1355. A duplicate copy of the Transmittal Sheet is enclosed.

Respectfully submitted,



Lisa A. Haile, J.D., Ph.D.
Registration No.: 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

Date: February 17, 2004

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133
USPTO Customer Number 28213